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AUTHOR Lansdown, Gerison
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ABSTRACT

Human rights institutions for children play a crucial role in informing children, governments, and the public about children's rights, how those rights can be enforced, and why they are important. This digest discusses the development of human rights institutions for children and the impact of the Convention on the Rights of the Child; it details the aims and functioning of independent human rights institutions for children, describes the essential characteristics of these institutions, and discusses the type of institution needed to protect the rights of children. The digest also presents a rationale for an independent human rights institution for children, considering the institution's aims, already-existing institutions, and available support for establishing human rights institutions. A body of arguments to challenge objections to human rights institutions for children is presented, as well as information on the evaluation of the ombudsman positions in Norway and Sweden. The digest concludes with a list of independent, statutory national or regional institutions with a broad mandate to promote, protect, and monitor the implementation of children's rights. Information for most of the 33 organizations meeting these criteria include the organization's name and contact information, date of establishment, constitutional base, and the organization's mandate and activities. (Contains 25 references and a list of 13 selected key readings.) (KB)

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INDEPENDENT INSTITUTIONS PROTECTING CHILDREN'S RIGHTS

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INDEPENDENT INSTITUTIONS PROTECTING CHILDREN'S RIGHTS

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EDITORIAL

When *Ombudswork for Children*, the first in the Innocenti Digest series, was published in 1997, we identified 16 Ombudsmen or Commissioners for Children. Now, just four years later, the number of these "independent human rights institutions for children" listed in this Digest – a fully revised and updated version of the first – has almost doubled. And there are many other institutions protecting human rights in general that expressly include children within their mandate.

It is unlikely that this development during the late Nineties would have taken place without the Convention on the Rights of the Child. Most basically and obviously, the treaty sets out clearly the wide range of rights that need to be defended. But more than this, the Committee on the Rights of the Child has chosen to see the creation of such institutions as one necessary indicator of political will to promote and protect children's rights – one of the obligations each State Party takes on under the terms of the Convention itself. The Committee, then, has become a major advocate for establishing these entities.

True, this development is so far concentrated overwhelmingly in the industrialized nations and Latin America. True, too, that there is cause for concern over some of the arguments – examined in the Digest – that are put forward to "explain" reticence or refusal to take up the idea. At the same time, there are clear indications of substantially growing interest, and this on all continents. This Digest is designed first and foremost as a tool for fostering and justifying that interest.

Indeed, the finding reflected in this Digest is that, without independent institutions focusing entirely on the rights of children, these rights will rarely receive the priority they deserve. While children are among the heaviest users of public services, they remain the people who are least able to influence the actions of governments. The main task for such institutions is to close the gap between the rights rhetoric and the realities of children's lives, ensuring that rights are translated into law, policy, and practice. The Digest examines the success of several existing institutions in relation to this goal.

Rights have little relevance if nobody knows about them or understands them. Human rights institutions for children play a crucial role in informing children, governments, and the public about children's rights, how those rights can be enforced, and why those rights are important. A measure of their success is the extent to which the institutions themselves are visible and accessible to children. One key factor is the extent to which the views of children influence the work of the institutions and the development of government policies. Above all, the institution must be accountable – to the government, to the public and, of course, to the children themselves.

While there is growing support for independent human rights bodies for children, many governments are not yet persuaded. The Digest puts forward compelling arguments to demonstrate the need for these institutions and their impact. The model may differ according to the political and social reality of a particular country, but we can no longer debate the need to create a culture of respect for children's rights in every country in the world.

Nigel Cantwell, Senior Project Officer
UNICEF Innocenti Research Centre

unicef
United Nations Children's Fund
Innocenti Research Centre
Florence, Italy

THE HISTORICAL BACKGROUND

The concept of ombudsmen to protect the rights of individuals against the abuse of power by the state originated in Sweden, where the world's first ombudsman was appointed in 1809, followed by Finland in 1919, Denmark in 1955 and Norway in 1962. Since then, ombudsmen have been appointed in more than 40 countries, usually with a mandate to investigate complaints, advocate for change and hold governments accountable for their actions. This progress has been strongly supported by the United Nations, which has actively encouraged governments to create national institutions to promote recognition of human rights. The 1993 World Conference on Human Rights affirmed the importance of institutions to protect rights, advise governments, address violations and raise awareness. In the same year, the UN General Assembly endorsed the Paris Principles, setting out the essential responsibilities of institutions dedicated to promoting and protecting human rights (resolution 48/134).

Despite the widespread acceptance of these principles, there is still no agreed definition of what constitutes a national human rights institution. The bodies that exist fall into three main categories but their titles and functions are often interchangeable:

o **Ombudsmen**

An ombudsman is usually established to deal with complaints relating to a particular aspect of public administration – health, prisons, or taxes, for example. The function of an ombudsman is to monitor fairness and legality and to protect the rights of individuals who feel that they have been unjustly treated by some part of the public sector. However, in relation to children, the term ombudsman is often used to describe much broader-based institutions with a remit to monitor, promote and protect children's rights.

o **Equalities institutions**

Many institutions are established with a specific mandate to protect the rights of particularly vulnerable groups – for example, minority groups, women, people with disabilities and children – from discrimination in the exercise of those rights. These bodies use a variety of designations including ombudsmen or commissioners.

o **Human rights commissions**

These bodies have a broad remit to address a wide range of human rights issues, including protection against discrimination and the protection of civil and political rights. Some also extend their mandate to promote and protect social, economic and cultural rights. These bodies are often called human rights commissions.

The *Paris Principles* say that every human rights institution should have:

- the competence to promote and protect human rights;
- as broad a mandate as possible, set down in a constitutional or legislative text that specifies the institution's composition and sphere of competence;
- responsibilities to provide its opinions, recommendations, proposals and reports on any matter concerning the promotion and protection of human rights to parliament, government and other competent bodies – either on request or through its power to consider such matters without higher referral;
- the right to publish opinions and reports independently, including those on the current state of the law, on developments affecting human rights and on violations;
- general duties and necessary powers to promote and ensure harmonization of national legislation, regulations and practice with international human rights instruments to which the state is a party, and their effective implementation; to encourage ratification or accession to these instruments;
- the right to contribute to the reports that states must submit to UN bodies and committees and to regional institutions, and, where necessary, to express an opinion on the subject, "with due respect for their independence";
- to cooperate with UN and UN-related organizations and regional and national human rights institutions;
- to help formulate and take part in programmes for teaching and researching human rights in schools, universities and among professionals;
- to publicize human rights and efforts to combat discrimination by increasing public awareness – particularly through information and education and use of the media.

Source: United Nations General Assembly Resolution A/RES/48/134, National institutions for the promotion and protection of human rights, 20 December 1993.

Terminology used in this Digest

There is no universal or agreed term to describe institutions established to protect and promote the human rights of children. As in the adult field, there are a variety of names used to describe similar bodies. Some are known as children's ombudsmen, others as children's rights commissioners or advocates. There are also human rights commissions and ombudsmen that are mandated to protect children's rights alongside their work with other groups. In this Digest, we have used 'independent human rights institutions' as a generic term to describe any statutory office that has a mandate to promote children's rights.

The European Network of Ombudsmen for Children has established the following criteria for such offices:

- independent national or regional offices created by legislation specifically to promote children's rights;
- independent national or regional human rights institutions created by legislation that include a specific focus on children.

Ombudsman or Ombudsperson?

UNICEF generally uses the term ombudsman (singular) or ombudsmen (plural). This Swedish word does not necessarily define the individual concerned as either male or female and may refer to an office or function, rather than to any particular person.

The growth of human rights institutions for children

The first attempt to create a channel to safeguard the rights of children was the model of an NGO ombudsman for children established by Save the Children, Sweden, in the 1970s. In 1981, Norway became the first Government to set up an independent ombudsman for children through legislation.

Since the adoption by the UN General Assembly in 1989 of the Convention on the Rights of the Child, and alongside the broader development of ombudsmen and human rights commissions, there has been a rapid growth in the numbers of specialized institutions established to promote and protect the human rights of children. These now exist in 25 to 30 countries throughout the world, primarily, although not exclusively, in Western countries and Latin America. In addition, there are a significant number of human rights institutions that now explicitly include children within their mandate and have a dedicated children's commissioner within their staff.

How the Norwegian Ombudsman for Children was established

In 1975, the Norwegian Ministry of Justice established a committee to examine legislation on parents and children in relation to the need for a special public body for children. The committee's verdict was unanimous: an independent agency to safeguard children's interests should be established. A Ministry inter-departmental working party considered the proposal and recommended a specialized commissioner or ombudsman for children with a mandate to protect their rights and interests. The Norwegian 'Barneombud' was set up by Act of Parliament in 1981 to:

- be an independent spokesperson for children in Norway – not directed by Government views or priorities;
- observe and work for improvements in children's living conditions;
- set its own professional priorities and working methods;
- have the right to see all documents in all cases dealing with children by public authorities and have access to all children's institutions.

The International Year of the Child in 1979 had been a crucial factor in the establishment of the Ombudsman. Although the proposal for such an office had been put forward in 1975, the intense focus on children triggered in 1979 exposed significant shortcomings within the child welfare system that were instrumental in accelerating the process and gaining the necessary cross-party support for the idea.[1]

In 1998, the Act establishing the Ombudsman was amended to link the Ombudsman more closely to the principles of the Convention.

THE IMPACT OF THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Obligations under the Convention

Article 4 of the CRC states that governments must *"undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention"*. In other words, it places a pro-active obligation on governments to introduce the measures needed to turn the principles of the CRC into practical realities. The Convention also requires governments to provide regular reports to the Committee on the Rights of the Child, the international body established to monitor governments' progress in implementing the CRC. In its scrutiny of these reports, the Committee has stressed the need for changes in government structures and mechanisms to allow consistent consideration for children's rights – compatibility of legislation, national strategies for children rooted in the CRC, analysis of the impact of proposed policies on children, budgetary analysis, and public awareness of children's rights, to name just a few. While the CRC does not explicitly

The case for children

The protection of human rights is vital for any person. However, there are groups within society that find the realization of those rights more difficult, including children. Indeed, the Convention on the Rights of the Child was drafted in recognition of the fact that children, as a group, experience discrimination and need special protection under international law if their rights are to be realized. There are strong arguments for measures to ensure protection of child rights.

- **The cost of failing to protect children is so high.** Research confirms that what happens to children in the early years and even before birth has a significant impact on their future growth and development. This, in turn, determines their life chances and their cost, or their contribution, to society over the rest of their lives.[2]
- **Children are more affected by the action – or inaction – of government than any other group.** While there is no such thing as a child-neutral economic policy, consideration is rarely given to how proposed policies may affect the lives, rights and interests of children.[3] Almost every area of government policy affects children to some degree. Children are among the heaviest users of public services, such as education, health, child care and youth services. And their dependence and developmental state make them disproportionately vulnerable to such problems as poverty, poor housing, environmental pollution and traffic congestion.[4]
- **Children suffer from fragmentation of public services,** with all the resulting inconsistencies in policies and practices, duplication or lack of services, poor communication, and inadequate solutions to complex problems.[5]
- **Children have no vote and no access to the powerful lobbies that influence government agendas.** Children have little, if any, access to the media, for example, and their views rarely, if ever, inform the actions of central government.[6]
- **Children in most countries have only limited access to complaints mechanisms, the legal system and courts to protect their rights.** Responding to children's concerns and remedying violations of their rights requires special arrangements. The mechanisms that are employed by adults to exercise their rights are largely unavailable to children and may, in any case, be unsuitable.[7]
- **Children are more vulnerable to exploitation and abuse** because of their physical, emotional and psychological immaturity and their consequent dependency on adults.[8]

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require governments to create human rights institutions for children, the Committee has consistently argued that such institutions have a vital role to play in monitoring, promoting and protecting children's rights, and has pressed for their establishment. The Committee's guidelines to governments preparing their periodic reports ask for information on *"any independent body established to promote and protect the rights of the child, such as an Ombudsman or Commissioner"*.

Bridging the gap between rhetoric and reality

The 1989 Convention on the Rights of the Child has now achieved near universal ratification.[9] In 1990, at the World Summit for Children, 71 Heads of State made a commitment to prioritize the rights of children. The 1993 World Conference on Human Rights reiterated the principle of 'First Call for Children', declaring that the rights of children must be a priority within the UN. Unfortunately, this widespread endorsement of the human rights of children is rarely matched by corresponding action in law, policy and practice. The gulf between the rights rhetoric and the realities of children's lives remains considerable in most countries in the world.

It has become increasingly clear that independent institutions dedicated to the promotion and monitoring of children's rights are essential if this gulf is to be narrowed and governments held to account for the obligations they have voluntarily undertaken in ratifying the CRC.

While ombudsmen or human rights commissions with a general remit do not preclude children from access to their services, they rarely address themselves explicitly to the concerns of children. Few, if any, promote their services in ways that enable children to learn about them or take advantage of their services. In addition, their remits may not acknowledge that the issues facing children and adults may be quite different. Many of the rights violations experienced by adults are perpetrated by the state.[10] For children, however, the perpetrators are just as likely to be parents, guardians and other powerful people in their lives. There is, therefore, a strong case for the establishment of institutions that have an explicit remit to promote and protect the rights of children – a case that is strengthened by the principles of the CRC.

Barriers to the implementation of children's rights

There are many reasons for the gulf between the rhetoric of governments and the reality for children, including:

- **A lack of commitment on the part of many governments** – too many governments have ratified the CRC without any evidence of serious commitment to implementing real change in children's lives.[11]
- **A lack of awareness of the implications of the CRC and the changes that it necessitates** – the radical nature of the CRC, recognizing children explicitly as subjects of rights, is neither fully accepted or properly understood by many governments. There is particular neglect of the principle of promoting the best interests of children through respect for their rights and of the obligation to listen and act on the views of children as an essential step to the realization of their rights.[12]
- **Economic pressures** – many governments plead lack of resources as the justification for failing to implement the CRC. However, few governments have undertaken systematic analyses of budgets to assess the proportion of expenditure directed at children.[13]
- **Deep-seated cultural attitudes and prejudices that perpetuate violations of children rights** and that governments are unwilling, or unable, to address.[14]
- **The hidden nature of many child rights violations** – for children, many human rights violation occur within the home or within the institution in which they live. Lacking access to advocacy or independent complaints mechanisms, children have no means of invoking their rights. This means that those perpetrating the abuse can continue to do so with impunity and without risk of exposure.[15]
- **The influence of competing and more powerful lobbies** – the implementation of many children's rights can threaten powerful interests. Whether it is an energy company producing a dangerously polluted environment that threatens the health of young residents, or cigarette manufacturers seeking to recruit new and young smokers, governments may sacrifice the rights of children to protect the corporate sector.[16]

THE AIMS AND FUNCTIONS OF INDEPENDENT HUMAN RIGHTS INSTITUTIONS FOR CHILDREN

The aims

The main aim of an independent human rights institution for children is, of course, to monitor, promote and protect their human rights. Beyond that, individual institutions in different countries inevitably vary in their mandate and priorities depending on the existing structures and institutions promoting human rights, the historical context, the particular political situation, and the situation of children.

The functions

These aims, which are broadly consistent with the Paris Principles, can be translated into action through four key functions.

1. Influencing policy makers and practitioners to take greater account of the human rights of children

If a human rights institution is to advocate for children's rights, it must identify and highlight ways in which current law, policy and practice fail to respect those rights, and propose measures to address those failures. As virtually every country has ratified the CRC, its principles provide the international standards for this process in most cases, alongside the other international human rights instruments to which the government is a signatory. And because the CRC is a comprehensive treaty addressing not only civil and political rights, but also social, economic and cultural rights, the protection of all these rights would need to be incorporated into

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the mandate of the institution. In particular, the Committee on the Rights of the Child has identified four CRC principles that must inform the analysis and implementation of all other rights:

- Article 2 – all rights must apply to all children without discrimination of any kind;
- Article 3 – the best interests of the child must be a primary consideration in all actions affecting children;
- Article 6 – children have the right to life and to survival and development to the maximum degree possible;
- Article 12 – the right to express their views freely on all matters of concern to them and to have those views taken seriously.

The institution would need to consider how well these four principles translate into reality for all children in the exercise of all their rights. The institution could promote respect for these rights through the following activities:[17]

- **Analysing existing law, policy and practice to assess compliance with the CRC.** For example, the Macedonian Ombudsman for Children is one example of an institution that has undertaken a comprehensive review of legislation, with proposals presented to the government in Autumn 2000. It has also developed recommendations for revision of the law to give better protection to children living or working on the street. The Icelandic Ombudsman for Children has proposed legislative reform to ensure greater protection for children who are victims of sexual offences.
- **Undertaking inquiries and producing reports on any aspect of policy or practice affecting children.** This means reacting to the proposals of others as well as initiating new ideas. Such reports would make explicit recommendations and would require the bodies concerned to respond with proposed actions to rectify the identified problem. The Australian Human Rights Commission, for example, has undertaken inquiries into rural and remote school education, age discrimination, and homeless children. The Icelandic Ombudsman has undertaken a study into the impact of television violence on children.
- **Commenting on proposed new legislation** at the earliest possible stage, or requiring the government to issue a child impact assessment to ensure that the legislation will comply with the CRC. For example, the Nicaraguan Sub-Commission for the Human Rights of Children and Adolescents has commented on a proposed new Criminal Code, as well as legislation on alimony and school transport. And the recommendations of the Swedish Ombudsman have been incorporated into the Social Services Act, the Code of Parenthood and Guardianship and the Aliens Act.
- **Undertaking formal investigations** where concern has been expressed either by children themselves, or by interested adults, that the rights and interests of children are being abused or neglected. The Australian Human Rights Commission, for example, carried out an investigation into children and the legal system that documented the failures of the system to protect child rights. It found discrimination, over-representation of indigenous groups in the justice and care systems, and a consistent failure to listen to children.

2. Promoting respect for the views of children

Article 12 of the CRC embodies the principle that children have the right to express their views and to have those views taken seriously in all matters affecting them. The right to be heard is a procedural right that is fundamental to the exercise of substantive rights, applying to decisions that affect individual children and to matters that affect them as a group. Human rights institutions for children have a clear responsibility to promote implementation of Article 12 by:

- **Ensuring that their work is directly informed by the views of children** in order to reflect their priorities and perspectives. Various approaches are described in the box below.
- **Ensuring that the views of children are reflected** in proposals presented to Government, reports, responses to Government initiatives, research priorities and strategies for dissemination.
- **Establishing structures through which children's views could be directly and effectively represented to other bodies.** Institutions play a key role in challenging the invisibility of children in political and policy arenas. They serve as a conduit through which children and young people can express their views to those in power and to the media. For example, the 1998 evaluation of the Swedish Children's Ombudsman recommended that it prioritize the encouragement of children themselves in playing an active role in the whole process of change.
- **Monitoring compliance with Article 12** in respect of all aspects of children's lives – in education, in the family, in local municipalities, in decisions relating to health care, and promoting the

Approaches to ensure the full involvement of children

- **Hotlines** that allow children to call in and share their ideas and concerns have been set up by the Danish National Council for Children, the Hungarian Office of the Parliamentary Commissioner for Human Rights and the Commissioner for Children's Rights in the City of Ekaterinberg, Russian Federation.
- **Community meetings with children** organized to elicit their views on a given issue might involve a particular group of children such as street children or refugees, or wider groups of children concerned with a specific problem such as access to education. Alternatively, meetings may be organized to get more general feedback on issues of pressing concern to children themselves. For example, the South African Human Rights Commission has organized meetings throughout the country to find out more about children's current knowledge, circumstances, needs and views.
- **National fora** in which children are invited to meet to discuss or raise issues of national concern. The Northern Ireland Human Rights Commission, for example, has established a children and young people's working group as part of a broader consultation on the development of a Bill of Rights.
- **Advisory groups of children and young people** through which an ombudsman or commissioner can test out ideas, consult on priorities and gain access to the concerns of children. It may be useful to have one standing advisory group, or a number of groups with an interest in a particular field – on education, on disability, on child labour, for example. The Flemish Children's Rights Commissioner has established a website in two parts – one for those aged 6-12 years and one for 12-18 year-olds to enable children and young people to respond to issues or questions placed by the Commissioner on the site.

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necessary legal reform to ensure its effective implementation.

- **Promoting and disseminating models of good practice** and guidance in implementing Article 12.
- **Providing a source of expertise and support to governments** in developing more effective mechanisms for promoting children's active participation in government at both local and national level.

3. Raising awareness of child rights among children and adults

Rights have little relevance if nobody knows about them or understands them, and raising awareness is an integral part of the process of enhancing respect for human rights. Protective legislation and enforcement mechanisms alone are not sufficient to create a culture of respect for human rights. Article 42 of the CRC places an obligation on governments to make its provisions known to adults and children alike by appropriate and active means. The Committee on the Rights of the Child consistently presses governments to disseminate information about the Convention's principles and standards to every section of the population. Human rights institutions for children let both children and adults know that child rights exist, explaining how those rights can be enforced, why those rights are important and the obligation they create to respect the rights of others.

There are many activities that institutions could undertake to promote human rights, including:

- **Producing and disseminating information about children's rights** – there is a need for accessible information for children of all ages about their rights and how these rights can be exercised. This information needs to be available in the different languages of the country concerned and in forms that make it accessible to all children, including those with disabilities. In addition, it needs to be widely distributed in places where children will be able to find it. The Volgograd Children's Rights Commissioner in the Russian Federation, for example, has issued an easy-to-read leaflet on children's rights for distribution in children's institutions. The Children's Ombudsman in Sweden is developing a project for the better dissemination of information about children's rights. Information about these rights is also needed for adults, including parents. Many parents are uneasy about the concept of rights for children, viewing them as a threat to the stability of the family and their own authority. Effecting a cultural shift, therefore, in which children are recognized as subjects of rights, not merely the property of their parents, is a crucial task in which a human rights institution for children can play a part. The Guatemalan Defensoria, for example, offers parents informal education programmes on children's rights.
- **Compiling and analysing data** on children – an ombudsman or commissioner has three potential functions in relation to statistical data. First, it can analyse existing government statistics to identify gaps or the need for dissagregated data. Data may exist on the overall numbers of children enrolled in school, for example, but fail to reveal the proportion who are girls or children from indigenous or minority groups. Such information is essential to monitor compliance with human rights standards. Second, where there is a lack of existing information about children's lives, it can produce data of its own through commissioned research, or urge the government to undertake any necessary research. The Children's Ombudsman in Sweden, for example, is compiling a statistical publication about children and young people, and the Norwegian Ombudsman has highlighted the extent to which government statistics collected on the family are about the lives of adults rather than children. Third, the institution can collate and disseminate existing data to create a wider understanding of the nature of children's lives.
- **Incorporating human rights into the school curriculum** – the Committee on the Rights of the Child has suggested that the Convention should be included in school curricula. This requires the promotion of schools that are respectful of children's rights. An ombudsman or commissioner for children can press for inclusive education and contribute to the development of the necessary materials for children of all ages, as well as promoting child-centred education. The Macedonian Ombudsman for Children has been promoting children's rights in schools, while the Norwegian Ombudsman has proposed major school reforms at primary and secondary levels in line with the CRC.
- **Using the media** – the media has immense power in every country as a source of information. One vital task of a human rights institution for children is to enlist the media as a partner and encourage it to promote awareness of the ombudsman or commissioner to children, providing information about children's rights and exposing violations of those rights. The Volgograd Children's Rights Commissioner has disseminated information about the Convention in local newspapers and has a regular TV programme on children's rights issues. For many years, the Norwegian Ombudsman had a regular weekly television slot allowing children to phone in with their questions and concerns. This boosted the profile of the institution, raised awareness of rights and provided individual children with information.
- **Training professionals** – the Committee on the Rights of the Child has often stressed the importance of providing training on human rights to all professionals working with children – judges, teachers, health professionals, social workers, lawyers, police, prison officers and so on. A human rights institution for children has a key role to play in contributing to the development of such training programmes, which need to be specifically targeted to each group of professionals. The Commissioner in the City of Ekaterinberg is one institution that has provided such training, focusing on the Convention.
- **Events to increase awareness** – some human rights institutions for children have used special anniversaries as an opportunity to promote children's rights, such as International Children's Rights Day on 20 November. It is also possible to sponsor human rights competitions, media events, children's conferences, public lectures, or school activities. For example, the Austrian child rights institutions celebrated the 10th anniversary of the CRC with around 100 events, including a series of special lectures, the production of a calendar for school children, a stamp for government letters, expert seminars with NGOs and visits to schools by

members of the regional parliaments. In Belgium, the Flemish Commissioner holds a children's rights festival each autumn – a fun way to raise awareness with its combination of participation activities and live music. In 1999 it attracted 10,000 visitors.

4. Ensuring that children have effective means of redress when their rights are violated

Children must have access to mechanisms for challenging violations of their rights. One of the most important functions of a human rights institution for children must be to ensure that such access exists. There is no one way to achieve this objective, but there are two general models that have evolved among the institutions that already fulfil this role.

Institutions that advocate for individual children

Some ombudsmen or commissioners for children do take up individual cases of complaint alongside their other functions. For example, the Norwegian Ombudsman has the power to take up individual cases although it cannot act on complaints between children and parents or cases that are already the subject of legal proceedings. Similarly, the Belgian Commissioners (French and Flemish), the New Zealand Commissioner, the Sub-Commission for the Human Rights of Children and Adolescents in Nicaragua and the Ombudsman in the City of Ekaterinberg are empowered to take up individual complaints.

Institutions that advocate for children as a group

Other institutions encompass a broad remit to promote the rights of children as a group, rather than receive individual complaints. In Sweden, for example, the Ombudsman has no statutory powers to intervene in individual cases. The office is expected to act as a general spokesperson for children, to promote the needs, rights and interests of children and ensure that the Swedish Government lives up to its obligations under the CRC. The Icelandic Ombudsman has a similar brief to improve the position of children in society and defend their rights and interests. To this end, the office will propose reforms to policy and legislation to promote compliance with the Convention. The Danish National Council for Children also has a broad remit to promote the rights of children, but is specifically precluded from taking up individual complaints.

All human rights institutions operate with limited financial and human resources, and it is important to decide how those limited resources can be mobilized to best effect. For example, a commitment to undertaking individual casework may leave the institution with no time to fulfil its broader advocacy agenda. Efforts might be better targeted in pressing for localized complaints mechanisms. However, it is important that every institution has the ability to investigate individual cases where an important principle is at stake, or where there is no way in which a child can achieve justice.

Even where an institution itself does not have a general mandate to respond to individual complaints, it is imperative that it plays a part in ensuring that mechanisms exist to challenge individual violations of children's rights. For example, it could:

- monitor the availability, effectiveness and usage of complaints procedures that already exist. It would need to identify whether children were using these procedures and if not, why not, and assess how procedures could be improved. It would also need to press for effective models for complaints procedures, access to independent advocacy, adequate resourcing, provision of information and publicity about the procedures, and better training for staff;
- identify gaps in the provision of complaints procedures. Are children able to challenge abuses of their rights in the juvenile justice system, in public care, in schools, in the family or in relation to health care? It could take an active role in pressing for extending the availability of complaints mechanisms to ensure that all individual violations of rights can be challenged by children;
- analyse the findings from children's complaints to identify patterns of concern, and feed these patterns into policy proposals and recommendations for change.

ESSENTIAL CHARACTERISTICS OF AN INDEPENDENT HUMAN RIGHTS INSTITUTION FOR CHILDREN

The ultimate authority of an independent human rights institution for children rests on its ability to act independently, produce well-researched information, exhibit a credible and respected public presence and to respond effectively to important issues affecting children. The United Nations Handbook on National Human Rights Institutions[11] highlights the following essentials for effective functioning:

- independence
- clear, comprehensive and adequate powers
- accessibility
- collaboration
- accountability

Each of these require particular attention in institutions that are dedicated to protecting the human rights of children.

Independence

Clearly, a human rights institution must operate independently of government. But, of course, the concept of independence is relative not absolute. While these institutions must have a close relationship with government if they are to have any influence at all, this must not extend to the government determining the agenda and priorities of the institution. Experience of many human rights institutions around the world indicates that the following factors can help to safeguard optimum independence.

Establishment by legislation: many, but not all, independent human rights institutions for children have been established through an act of parliament which sets out their function and duties, status, powers and methods of appointment. Many – including the institutions in

Norway, Iceland, Sweden, Denmark, Guatemala, Belgium (Flemish Community) and Hungary – have their aims defined in relation to the Convention on the Rights of the Child. This gives them the authority of international law, emphasizing their independence.

Functional autonomy: institutions must be able to set and pursue their own agenda, and conduct their own affairs independently of any other individual, organization, department or authority. The legislation establishing the Belgium (Flemish) Commissioner, for example, explicitly states that *"the Commissioner shall be entirely independent in the exercise of his/her functions"*. While an institution needs to cooperate with the government, the government should not be able to dictate the agenda of the institution or stop it developing its own priorities. Institutions should be able to publish their own reports with recommendations that are not subject to change by government. If children are to have any confidence in the institution, it is vital not only that it operates independently of government, but that it is seen to do so.

Recruiting and dismissing key staff: the process of appointment should be transparent and as independent of government as possible. Appointments should, preferably, be made by a representative body such as parliament, with the involvement of independent bodies including NGOs dealing with the human rights of children. For example, the Danish National Council for Children comprises one chairperson and six members. The Ministry of Social Affairs appoints the chair and two members. The other four members are appointed on the recommendations of an electoral assembly made up of organizations working in the children's field. Wherever possible, children themselves should also be involved in the appointment process. The UN Handbook on National Human Rights Institutions comments that, *"Any institution can only ever be as independent as the individuals of which it is composed. The granting of legal, technical and even financial autonomy to a national institution will be insufficient in the absence of specific measures to ensure that its members are, individually and collectively, capable of generating and sustaining independence of action."*[19] It further recommends that, wherever possible, it is preferable that matters relating to appointments are incorporated into legislation including:

- method of appointment – how appointments should be advertised, and who will be involved in the recruitment;
- criteria for appointment – nationality, profession, qualifications;
- duration of appointment, and whether key staff may be re-appointed and, if so, for how many terms;
- who may dismiss key staff, on what basis and for what reason;
- privileges and immunities, such as immunity from prosecution when performing official duties.

Financial autonomy: while funding for human rights institutions is usually provided by the parliament or government to which the institution must, therefore, be accountable, this must not interfere with its capacity to comment critically and with impunity on the impact of government action, or inaction, on children. The institution needs sufficient resources to be financially capable of performing its functions and, as far as possible, this finance should be removed from political control, and be guaranteed for a reasonable period. Ideally, any proposals to alter the funding should be determined by reference to parliament for proper scrutiny, rather than exercised by an individual minister. Where possible, the source and nature of funding should be specified in its founding legislation. On financial issues, the institution should be accountable not to government but to parliament. It should also be free to raise additional funds from non-government sources.

Clear, comprehensive and adequate powers

Institutions established to protect the human rights of children need statutory powers and duties to fulfil their functions. The founding legislation should be linked to a commitment to promote full implementation of the CRC and any other relevant international human rights treaties and instruments. Institutions will inevitably vary in their specific remit and mandate. However, the statutory powers they need include powers to:

- **investigate** violations of child rights and to undertake public inquiries. These functions need to be accompanied by right of access to documents, the power to require individuals to give evidence, and to enter and inspect both public and private institutions;
- **take legal action** in circumstances where it is impossible or inappropriate for the child to do so on his or her own behalf;
- **issue reports**, using all appropriate routes for their dissemination and publicity. It is also desirable that the office should report regularly to parliament on its work and on the current state of children's rights;
- **require that the institution is consulted by government and other bodies** whenever ministers are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives. The Government should give serious attention to the institution's comments and recommendations. If it decides not to follow the advice of the institution, it must provide a public explanation for this decision;
- **contribute an independent element in the development of 'child impact statements'** drawn up to indicate the likely impact of proposed legislation or policies on children;
- **be consulted over the reporting obligations under the Convention.** Governments that have ratified the CRC are required to report to the Committee on the Rights of the Child two years after ratification and subsequently every five years. The government should be required to consult children's rights institutions in the process of drafting these reports and to give due consideration to their comments, although the institution should remain independent from the report itself.

It is also important that the institution has powers to act across the widest possible range of policies impacting on children. Children use a wide range of services but there is a lack of integration or collaboration in the development of policies that may affect them. A human rights institution for children needs a remit across all areas of children's rights and policy. This would facilitate a more effective overview on the overall impact of government policy on children and, in turn, encourage greater coordination

between government departments, local municipalities, and between agencies working at local level and NGOS.

Accessibility

To be effective, an institution established to protect children's rights must be visible and accessible to children. It needs therefore to be high profile and promote itself directly to children.

- Children must know that the institution exists, what it does, how to approach it and feel confident that it can represent their interests. It must, therefore, be non-bureaucratic in its procedures and develop information and materials that are targeted at different age groups and disseminated through the channels that children actually use – particularly the media. In Norway, the high media profile achieved by the Ombudsman has made the institution familiar to children, encouraging them to get in touch.
- Children need to be able to access the institution. In countries where telephones are easily accessible, free hotlines can be an effective means of enabling children to make contact, and the internet is another way to boost accessibility. In countries where such technology is not readily available to children, local offices can extend contact, although this obviously increases the costs. Alternatively, the institution might appoint staff to work in the field promoting their services directly to children or use staff in other institutions to provide a communication point through which children can make contact.
- Children need to be directly involved in the running of the institution, through advisory groups, representation on the management board, and in evaluation and monitoring. Without this direct involvement of children themselves, the institution will be unable to reflect effectively their concerns and priorities.

Working in collaboration

A national human rights institution for children needs to work in collaboration with other bodies at both national and international level.

- It should develop close links with NGOs working with and for children. These NGOs bring a wealth of expertise, experience and service provision from which the institution could benefit. Collaboration with NGOs will help the institution grasp the scope of existing work, capitalize on shared knowledge and experience and avoid unnecessary duplication of work. NGOs play an increasingly important role in advocating for children's rights and, in some countries, NGO coalitions have been formed to strengthen the quality of such advocacy. The Committee on the Rights of the Child encourages NGOs to provide independent reports on children's rights in their country. Many have been central to efforts to establish human rights institutions and they can help to ensure that children actually make use of an ombudsman or commissioner. In a few countries, such as Finland and Israel, NGOs use the term 'ombudsman' to describe their advocacy work for children, even though they lack the statutory powers of the independent bodies set up by governments.
- There is value in establishing links between human rights institutions for children in different countries as a means of sharing experience and expertise.

Accountability

The institution must be accountable to government and parliament and will usually be required to provide an annual report on its progress. However, it must also be accountable to the children for whom it has been established, by publishing reports that they can understand, by encouraging their involvement in monitoring and evaluating the work and by ensuring that the institution is always open to public scrutiny and comment. The Belgian (Flemish) Commissioner, for example, 'translates' its annual report to parliament into an attractive newspaper for children explaining its work over the previous year. This is distributed through schools, libraries and youth clubs.

The European Network of Ombudsmen for Children

The European Network of Ombudsmen for Children (ENOC) was created to link independent institutions for children's rights in different European countries. Cooperation aims to facilitate the sharing of strategies and collective approaches to promoting children's rights. The Network was established by 10 founding members in Trondheim, Norway in June 1997. It now links institutions in 12 countries, with UNICEF serving as its secretariat. Its main activities in 2000 included joint campaigns on children's participation in education, and education of parents about children's rights.
For more information: www.ombudsnet.org

WHAT TYPE OF INSTITUTION IS NEEDED?

Integrated or specialized?

As the number of institutions to protect the rights of children grows, there has been debate over the potential benefits of integrated institutions as opposed to separate institutions dedicated to the rights of children. Some human rights institutions have appointed a children's rights commissioner to work exclusively with children or include children within a broad mandate – for example, Spain, Nicaragua, Northern Ireland, Australia, Hungary, Colombia, and the Philippines. Others, particularly although not exclusively in Europe, have been established specifically to protect and promote the rights of children – for example, Sweden, Norway, Denmark, Austria, Belgium, Russian Federation. Both models have benefits and disadvantages.

Advantages of a specialized institution

- It can provide an exclusive focus on children, ensuring that their concerns are not bypassed by adult agendas. There is a risk that children would receive low priority and low visibility within an integrated body.
- It can promote itself directly to chil-

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dren. This is essential if it is to be effective in promoting their rights, as it must be visible in their world.

- Conflicts often arise between the rights of children and adults – for example, in respect of arrangements following divorce, use of physical punishment or arranged marriages. A specialized institution would have a clear responsibility to promote children's rights in any such conflict. In an integrated body it may be difficult to ensure a dedicated focus on the rights of children, rather than the rights of adults.
- Many abuses of child rights are perpetrated not by the state but by the adults who have responsibility for children – parents, teachers, residential workers. A specialized institution needs an explicit mandate to respond to such abuses, but if it is primarily focused on abuse of adult rights by the state, it may be poorly equipped to protect children's rights.

Advantages of an integrated institution

- Integration promotes the recognition that children, like adults, are subjects of rights and have equal rights to protection. It is possible that a separate institution for children will be marginalized, with lower status than a mainstream human rights institution.
- An integrated institution may present greater opportunity for cooperation between bodies representing the rights of different groups. Many of the issues that need to be addressed for children may benefit from the expertise, for example, of a race commissioner or a disability commissioner, working alongside a children's commissioner.
- Where resources are scarce, it may be more feasible to press for one integrated body than to seek funding for a separate institution for children.
- A broad-based human rights commission bringing together commissioners representing the breadth of human rights issues can operate as a more powerful body to promote a culture of respect for human rights.

There is no significant evidence that one model is more effective than the other. What is clear, however, is that children need independent bodies advocating for their human rights. However, if children's rights are to be represented within an integrated institution, the following conditions must prevail:

- There must be a specific post – an ombudsman or commissioner – dedicated solely to children, and with its own budget. If the rights of children are subsumed under the responsibilities of a general human rights brief without such a post, there is a considerable risk that children would lose out in budget allocation, time and profile.
- The children's commissioner or ombudsman must have the freedom and independence to promote services directly to children. Publicity, leaflets and media campaigns to raise awareness of the existence and role of the institution need to be targeted expressly at children.
- The children's commissioner or ombudsman must be able to address children directly, and vice versa.
- The activities and priorities of the children's commissioner or ombudsman must be influenced by the agenda of children themselves. It must be sufficiently free to respond to the priorities of children without being constrained by the pre-determined agenda of the broader institution.
- The children's commissioner or ombudsman, and indeed the institution as a whole, must be empowered to act in respect of every human rights standard to which their government is a signatory.

National or regional institutions?

In some countries, one national institution has been established for children – for example in Iceland, France, Sweden and Norway. In others, including Austria, Australia and Spain, there are both national and regional bodies. And in a few there are bodies that operate within different regions or states. Belgium, for example, has a children's rights commissioner in both the Flemish and French communities, while the Russian Federation has appointed commissioners in five city regions.

The model adopted will depend on a range of factors including population size, whether the country has a federal structure, political will at national and regional level and, of course, the resources. It is important to ensure that, where there are only regional bodies, they are empowered to address issues at every relevant level. In many countries, key issues affecting children are determined at federal level, such as social security, immigration legislation and justice. If the institution can tackle only those issues under regional control, many aspects of children's rights will be neglected.

MAKING THE CASE FOR AN INDEPENDENT HUMAN RIGHTS INSTITUTION FOR CHILDREN

There is no blue print for the type of office needed to protect the rights of children. The different legal frameworks, democratic histories, problems and priorities and existing bodies with responsibilities for children in each country will inevitably influence how the office is established, its mandate and funding. In making the case for the establishment of an independent human rights institution for children, it is useful to consider the following questions.

What would be the aims of the institution?

While the main aim is to ensure that governments promote and protect the human rights of children in accordance with their obligations under the CRC, existing institutions cover a range of additional goals that are worth considering:

- promoting a higher priority for children, in central, regional or local government and in civil society, and improving public attitudes to children;
- influencing law, policy and practice, both by responding to governmental

and other proposals and by actively proposing changes;
- promoting effective coordination of government for children at all levels;
- promoting effective use of resources for children;
- providing a channel for children's views and encouraging government and the public to give proper respect to children's views;
- collecting and publishing data on the situation of children and/or encouraging the government to collect and publish adequate data;
- promoting awareness of the human rights of children among children and adults;
- conducting investigations and undertaking or encouraging research;
- reviewing children's access to, and the effectiveness of, all forms of advocacy and complaints systems, for example in institutions and schools, and including children's access to the courts;
- responding to individual complaints from children or those representing children, and initiating or supporting legal action on behalf of children where appropriate.

The particular aims identified for the institution will need to reflect the country situation and the extent to which these functions are fulfilled by existing organizations.

What institutions already exist to promote and protect the human rights of children?

It would be useful to chart the existing institutions that have, or could have, a remit to protect or promote the rights of children and examine the extent to which they already do so. Questions to be asked could include:

- What national human rights institutions currently exist and do they have a mandate in respect of children? If so, how effective have they been in prioritizing children?
- What structures or institutions currently exist with a specific mandate in respect of children at either national or regional level? How extensive is their mandate? Do they focus on children's rights or just on their welfare? Are they limited to addressing children in vulnerable circumstances, such as children in institutions, victims of sexual abuse or working children – or do they work with all children?
- What powers and duties do they have? Can they undertake investigations of human rights violations? Can they provide representation for children? Can they influence proposed legislation or government policy?
- Are there any parliamentary or governmental institutions or structures designed to promote children's rights? Are they seen to be effective?
- Are there any effective structures for ensuring that the views of children are heard by government, the media and policy makers? Do any of the existing institutions listen directly to the concerns and views of children? Do they provide effective advocacy for children whose rights are being abused?
- Are there any NGOs working to promote the rights of children? How influential are they in achieving their aims?
- Are these existing institutions fulfilling the needs?

These questions are designed to measure the proposed aims of an institution against the functions of existing bodies. The existence of clear gaps would be evidence of the need for a new body with the power to provide effective protection for children's rights.

What support can be mobilized for the establishment of a human rights institution for children?

Governments not only need to be persuaded of the case for a human rights institution for children, but must also be convinced that there is widespread public support for the idea. Possible action to

Measuring the benefits achieved for children by independent human rights institutions for children

In a complex society, it is never easy to pinpoint exactly what forces give rise to any particular change in children's lives. There will often be a range of factors – political climate, NGO pressure, international developments and public opinion, as well as the work of an ombudsman or commissioner, that contribute to a desired outcome. However, it is clear that these offices, at the very least, play a vital role in providing a focus for the promotion of children's rights. Many go further, serving as powerful catalysts for legislative, policy and attitudinal change. Examples of this catalytic role can be found in several countries.

In Sweden
Work has been undertaken by the Swedish Ombudsman to encourage local authorities to implement the Convention on the Rights of the Child. When this work began in 1995, 7 per cent of municipalities had discussed the CRC. By 1997, the figure had risen to 25 per cent, reaching 64 per cent by 1999. A Parliamentary Committee has now been created, as a result of pressure from the Ombudsman, to look into the issue of child abuse. The Committee's Terms of Reference acknowledge the impact of this pressure and the Ombudsman acts as special adviser to the Committee.

In Iceland
As the result of a proposal from the Icelandic Ombudsman to introduce new measures to reduce child accidents, the government has launched an experimental project to establish a coordinated register of childhood accidents. A report produced by the Ombudsman on child custody persuaded the Prison and Probation Administration to place young sentenced offenders in rehabilitation centres, rather than prisons.

In Hungary
A major and highly critical investigation into the rights of children in state-run residential institutions was undertaken by the Deputy Parliamentary Commissioner. The majority of resulting recommendations have been accepted, with new construction to improve accommodation, the introduction of isolation wards for children who are ill, enhanced training and better supervision of staff, therapeutic activities for children with behavioural problems and the establishment of a home for young drug-addicts.

In Norway
The Norwegian Ombudsman has established an internet parliament – an interactive website where children can vote on issues that concern them. This has opened up a dialogue between the children and the different national and local authorities.

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strengthen this support could include:

- the development of a clear proposal setting out the aims, legal powers, structures and functions of the office;
- lobbying NGOs to campaign jointly or independently around the proposal. It is important that there is a consistent view presented to governments on what is needed – any apparent conflict or differences may be used to reject the proposal outright;[20]
- collecting evidence of failures to respect the human rights of children and the implications of those failures both for the children themselves and for wider society;
- collecting evidence of the positive benefits that have accrued in other countries from the establishment of an independent human rights institution for children;
- using the media to promote the case, identifying the benefits, any current abuses of children's rights and how an institution might challenge these abuses;
- organizing conferences and seminars for professionals working with children to inform them and enlist their support;
- meeting with government ministers, civil servants and politicians at both regional and local levels to argue the case;
- identifying the likely barriers to the establishment of an office and developing the necessary arguments to challenge those barriers;
- commissioning opinion polls to establish the level of public support for greater protection of children's rights.

CHALLENGING THE OBJECTIONS

Despite the growing support for independent bodies to protect and promote the rights of children, there are governments that are not yet persuaded of the case.[21] Indeed, public opinion may also be resistant to the idea. There is a consistent body of arguments used to oppose the establishment of such institutions, and awareness of these is crucial to the formulation of counter-arguments.

- **It would create an unnecessary level of bureaucracy.**

This argument fails to understand the nature of the institution being proposed. It views it as another tier of government that would delay and complicate decision-making. However, a human rights institution for children would not be part of government – it would operate independently with clearly defined powers and duties. Indeed, a central function would be to propose how existing bureaucracies can work together more effectively for children.

- **It is the government's responsibility to implement the Convention – it should not create a separate body to do its work.**

It is governments that ratify international human rights treaties and it is their task to implement the principles and standards of the CRC and other related instruments. The role of the independent institution is not to carry out the government's job but to monitor how well the government is actually doing that job. It would identify areas where it is failing to comply and the changes to law, policy and practice that are needed to protect children's rights more effectively. It would play an important role in helping the government to fulfil its obligations. It would also seek to ensure that children's own views and experiences are heard by the government. In addition, it would serve as a resource, advising the government on the human rights of children, providing training and information, promoting a culture of human rights, and helping to anticipate potential areas of public policy likely to harm or impede the exercise of children's rights.

- **It would be better to appoint a Minister for Children.**

The two functions are entirely different, although complementary. A Minister for Children with responsibility for implementing a children's strategy would be part of government, carrying out the government's agenda. The independent institution would be outside government, providing an advocacy function in respect of children. Not only would its remit include promoting and monitoring government compliance with children's rights, but it would also, for example, investigate abuses of rights and promote effective access to complaints procedures. These are not functions that can be undertaken by governments themselves, although one would wish governments to act on the findings of the institution.

- **The money would be better spent on services for children.**

There is a strong emotive appeal to directing the maximum possible resources to services on the ground, particularly when those services are seriously under-funded and desperately needed. However, services provided for children are often badly coordinated, overlapping, and inconsistent.[22] And many services are targeted at picking up the pieces once a problem has arisen rather than preventing the problem in the first place. The costs of a human rights institution for children would be tiny compared to the costs of failing to protect children, such as mental illness, emergency child protection services and the significant costs of juvenile crime.[23] Part of the institution's role would be to help the government anticipate and prevent the abuses of children's rights that often lead to long-term difficulties. Certainly the experience in those countries where they have been established has been that they can be cost-effective in promoting laws, policies and practice that improve children's lives.[24]

- **There are many NGOs already working for children and they are independent of government.**

NGOs fulfil an important role for children but they have none of the statutory powers and duties that an independent human rights institution for children would hold. They cannot undertake formal investigations, they have no powers to report annually to parliament on the state of children's lives and they have no right to be consulted on proposed policy or legislation. Many are primarily focused on providing services for children, rather than advocating for implementation of their rights. And even where they do have an advocacy function, it is often the case

Evaluation of the Children's Ombudsman in Sweden

A Committee of Inquiry set up by the Swedish Government in 1998 to examine the work of the Ombudsman found the following strengths and weaknesses:

Strengths
- It had played a significant role in the development of issues relating to children, chiefly through information and opinion-forming activities.
- It had brought visibility to the overall living conditions of children and young people and helped create a comprehensive picture of their lives.
- It had contributed to the implementation of the Convention on the Rights of the Child.
- It had been most effective in promoting children's rights when it could act as their representative and refer to their experiences and views.

Weaknesses
- Lack of legal powers.
- Limited opportunity to build up networks and contacts in its capacity as the representative of children and young people.

Recommendations
- Amending the legislative base of the Ombudsman to give force to the importance of developing direct contacts with children and young people.
- Increasing its independence by setting out its duties and functions in law, rather than in instructions.
- Giving the Ombudsman the power to require information from agencies and local authorities and summon them to meetings, and the right of access to documents.
- Making the main task of the Ombudsman the encouragement of children and young people to play an active role in the process of change.
- Giving higher priority to considering how the courts, public agencies and local authorities apply existing rules and regulations.

The Inquiry found that the Ombudsman had not only been a valued institution in raising the profile and concerns of children, but that it would be able to fulfil its commitment to children even more effectively with additional legal powers. As a result, there was a need to strengthen the power of the Ombudsman to ensure its effectiveness.

Source: Inquiry into the Role and Function of the Children's Ombudsman in Sweden: Summary, Swedish Government Official Report No. 1999:65, 1999.

that individual organizations have specific priorities in a particular field, such as homelessness, disability or juvenile justice, and do not have a remit to act across the spectrum of rights embodied in the CRC. It is significant that, in many countries, NGOs are strong advocates for the creation of independent human rights institutions for children, a clear indication that the proposed functions are not carried out by existing bodies.[13]

- **Why do children need a special body? What about other groups such as women, people with disabilities and the elderly?**

Everybody needs independent institutions that will promote and protect their rights. But some groups are particularly vulnerable and have, therefore, a genuine claim to priority. Children are such a group. They cannot vote, they have less access to the legal system and the media and are particularly vulnerable to the power of the adults who have responsibility for them. They often lack the means to exercise their rights and need powerful advocates if their rights and interests are not to lose out to the interests of others.

- **Won't a human rights institution for children interfere with the rights of parents? After all, parents are responsible for their children.**

Of course parents are responsible for their children. But the government plays a very significant role in the lives of children – legislating for and funding education, tackling environmental pollution, providing health care services, introducing immunization programmes and seeking to reduce youth crime to name just a few areas of responsibility. A human rights institution for children would have a role to play in monitoring how far these services respect the rights and interests of children. And children have rights within the family too. The CRC requires that governments support parents to enable them to protect and promote the rights of their own children. But, sadly, parents do not always act in the best interests of children. The CRC also places clear obligations on governments to protect children whose parents are not protecting those rights or are actively violating them. Few people would argue that the state should play no part in protecting the rights of children within their families. The institution would promote legislation that provides adequate protection to children in families, backed up by services and resources for effective implementation.

- **Children have needs – not rights.**

It is internationally accepted that everyone has human rights – and that includes children. Governments, having ratified the CRC, have an obligation to respect those rights. Children obviously have needs. But they have an over-arching right to have those needs met. Children, for example, need to be able to play as part of their healthy development and

Evaluation of the Norwegian Ombudsman

In 1993, the Norwegian Government appointed a committee to evaluate the progress of the Children's Ombudsman. The results, published in 1995, found that:
- it had helped to place children higher up the political agenda;
- children were aware of the office and its functions;
- it had been instrumental in promoting acceptance of the idea that children have rights and are entitled to be heard;
- its work in disseminating information about children's rights had improved the position of children in the law;
- internationally, it had been seen as a positive model for other countries and contributed to putting children on the international agenda.

The Committee observed that the Ombudsman could play an important role in coordinating and initiating professional and political processes and in helping to create more holistic policies related to children. It recommended that it should concentrate its efforts on general cases and questions of principle, rather than individual cases, and that the Convention on the Rights of the Child could be a useful tool in its task of ensuring compliance with children's rights.

Source: The Ombudsman for Children and Childhood in Norway, Norwegian Official Report, Ministry of Children and Family Affairs, Oslo, 1996

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growth – a right recognised in the CRC. But that right can only be fulfilled if backed by legislation limiting ages, hours and conditions of work and education, through the development of safe, healthy environments, the availability of decent housing and provision of appropriate facilities and resources. Human rights institutions can play an important part in pressing governments to fulfil their obligations to all children.

- **Why should a government set up a body that will only exist to attack that government?**

This argument misunderstands the nature of the institution. Of course, any institution established to promote and protect human rights will, at times, need to criticize government action – or inaction. However, it will also have a role to play in advising and assisting governments. It can advise on the drafting of proposed legislation, identify problems with existing legislation, provide advice on policy or administration of public services such as health, social security or family law. It can provide guidance to local and municipal authorities on implementation of children's rights. And it can provide assistance in the implementation of all relevant international human rights standards. The existence of an effective human rights institution can reduce the costs to governments that are associated with failure to protect children's rights – fewer challenges in the courts, improved legislation, better targeted resources, enhanced well-being of children.

- **Some societies have no tradition of independent institutions.**

Certainly, the concept of independent human rights institutions is a relatively recent one for many countries, particularly for new or emerging democracies. However, one central feature of a democratic society is that the government is accountable to its people. This accountability is established through a free press, access to the courts, a transparent political process and independent bodies empowered to protect human rights. It is a mark of confidence and goodwill on the part of a government that it is prepared to establish a body that helps it to meet its human rights obligations and challenge it when it fails to do so. The CRC obliges every ratifying state to question its traditional attitudes towards children and there is a need for dedicated institutions with the expertise to facilitate that process.

EXISTING INDEPENDENT, STATUTORY BODIES TO MONITOR, PROMOTE AND PROTECT THE RIGHTS OF CHILDREN

The following list includes independent, statutory national or regional institutions which have a broad mandate to promote, protect and monitor the implementation of children's rights. There are, of course, many bodies which act to protect the rights of children but are not included here because they do not fulfil these criteria – for example the Child Protection Delegates in Tunisia which undertake remedial action in partnership with families where children are in need of special protection and the Ombudsman offices across the United States which are primarily established to protect children in need of state care. Equally, the list does not include ombudsmen-type bodies which are run by NGOs such as the Finnish Children's Ombudsman Office or the Israeli Ombudsman for Children and Youth.

AUSTRALIA

Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney
New South Wales 1042
Australia
Tel.: +61 2 9284 9600
Fax: +61 2 9284 9611
Email: hreoc@hreoc.gov.au

Established: 1986
Constitutional base: The Commission was established under the Human Rights and Equal Opportunity Act 1986 as a federal body with a broad remit to protect human rights in Australia, including the rights of children. It is required to monitor the implementation of a number of international human rights treaties, including the Convention on the Rights of the Child. Its structure is comprised of a number of commissioners, but the Human Rights Commissioner has the most direct brief in relation to children.
Mandate and activities: The Commission's functions include investigating complaints about discrimination or practices that are inconsistent with children's rights, examining legislation for compliance with children's rights, intervening in court proceedings that involve children's rights, undertaking research, promoting awareness of rights and monitoring overall compliance with the CRC. It has, for example, undertaken national enquiries into children and the legal process, rural and remote school education and homeless children. It is also working on the issue of age discrimination and is promoting models of children's participation. In addition, there are commissioners for children in Queensland, New South Wales and Tasmania. These have a more limited remit in respect of children's rights, but all operate predominantly in the child protection and child welfare field within the relevant government department.

AUSTRIA

Each of the nine Lander has an Ombudsman for Children and Youth. Addresses are available from the European Network of Ombudsmen for Children website: www.ombudsnet.org

The Federal Children's Ombudsman
Kinder & Jugend Anwaltschaft des Bundes
Bundesminesterium für Umwelt, Jugend und Familie
Franz-Josef-Kai 51
1015 Wien
Austria
Tel.: +43 1 53475223
Fax: +43 1 5350322
Email: henriette.naber@bmu.gv.at

Established: 1989 – 1995
Staffing levels: staffing varies between one and five people in each of the nine offices, totalling 40 staff.
Constitutional base: The offices were established through the Youth Welfare Act 1989. Each Lander has developed its own legislation and structure, resources, responsibilities and functions. The nine offices form a 'Conference of Ombudspersons' to respond to federal issues. A federal children's ombudsman was introduced in 1991 as an official in the Ministry of Environment, Youth and Family rather than as an independent body.
Mandate and activities: The offices undertake individual casework and dealt with 10,000 new cases in 1998 alone. In 405 of these cases, contact with the office was initiated by the child in person. Recent activities include campaigning for the lowering of the voting age, publishing a quartely journal, *Kids and Teens*, with a circulation of 14,000, and the development of an exhibition on the sexual abuse of children. They have also undertaken a comprehensive analysis of the extent to which the principles of the CRC are respected in Austrian legislation.

(Flemish Community)

Children's Rights Commissioner
Hertogstraat 67
1000 Brussels
Belgium
Tel.: +32 2 552 9800
Fax: +32 2 552 9801
Email:
kinderrechten@vlaamsparlement.be
Web site:
www.kinderrechtencommissariaat.be

Established: 1997 but only fully operational from January 1999
Staffing levels: Six staff
Constitutional base: The Children's Rights Commissioner was established by a Decree passed in the Flemish Parliament. The Office is required to report annually to Parliament.
Mandate and activities: The Commissioner monitors implementation of the CRC and analyses, evaluates and publicises the living conditions of children. It acts as a spokesperson for the rights, needs and interests of children, promotes children's participation, undertakes inquiries and investigates individual complaints. Recent activities include sponsoring a campaign on the prevention of abuse. Promotion of the CRC has been carried out through visits to schools, organizations and policy makers, focusing on attitudinal change. Two participation groups have been created and are consulted via email on issues of concern. Recommendations concerning divorce mediation, media complaints, age limits in sport competition and participation in schools have been made to the government.

(French Community)

General Delegate for the Rights of Children
Délégué général aux droits de l'enfant de la Communauté française de Belgique
Rue de L'Association 11
1000 Bruxelles
Belgium
Tel.: +322 223. 36.99
Fax: +322 223.36.46
Email:dgde@cfwb.be
Web site:
http://www.internem.be/dgde

Established:1991
Staffing levels: Six staff
Constitutional base: A decree issued in 1991 by Parliament required the executive of the French Community of Belgium to establish a General Delegate with a remit to preserve the rights and interests of all its children and young people.
Mandate and activities: The General Delegate has powers to receive complaints, promote awareness of the rights of children, make proposals for legal reform to the Executive and monitor compliance with legislation affecting children's rights. Recent activities have included proposals for reform of divorce proceedings to take greater account of the concerns of children, to give children rights of appeal in the civil courts, and to end the imprisonment of minors.

Links

Office of the Ombudsman Defensor del Pueblo
Calle Heriberto Gutierrez No. 2374
P.O.Box: 791
La Paz
Bolivia
Tel.: +591 443838
Fax: +591 811 3538
Email: delpueblo@defensor-bo.net

Established: 1998
Constitutional base: The Ombudsman was established by the Bolivian Constitution.
Mandate and activities: Its mission is the defence and protection of both individual and collective human rights and guarantees, protected by the Constitution and Bolivian Law. Its work focuses on three main areas: public services and government administration, human rights, and promotion and analysis. An inter-institutional agreement between the Ombudsman and UNICEF provides cooperation and joint support in work for the rights of the child, women and indigenous people.

CANADA

British Columbia

The Office of the Ombudsman
931 Fort St
Victoria BC
V8V 3K3
Canada
Tel.: +1 32 2 533 1211
Fax: +1 32 2 534 1382

Established: 1987
Constitutional base: In 1987, the existing Ombudsman created the position of Deputy Ombudsman for Children and Youth. However, in 1990, the role of the Deputy Ombudsman as a specific advocate for children ceased. Both the Ombudsman and the deputy now have a general remit that extends to children and are independent of government. A five-member Child and Youth Team has been established. In addition, in 1995, the Government established a Child, Youth and Family Advocate with a mandate to advocate for children in relation to social service provision.
Mandate and activities: The Child and Youth Team specializes in such issues as services to children with disabilities, income assistance to young people, schools and school boards, regulatory agencies, family maintenance and issues related to juvenile justice. The Team has extensive investigation powers under the Ombudsman Act. On completion of the investigation, a complaint is determined to be substantiated or not substantiated and written reasons for the decision are given to complainants. However, staff can consult with authorities during the investigation in an attempt to settle an issue. The Team, along with the Deputy Ombudsman, have been very active in promoting children's rights with children, government authorities and NGOs. In addition to the Ombudsman Office, children and youth can access the services of the Child and Family Advocate and the Children's Commission.
Children's Advocates:
Children's Advocates have been established in five other provinces – Alberta, Saskatchewan, Manitoba, Ontario and Quebec - through provincial legislation. While their detailed remits vary, each provides advocacy for children receiving child welfare services.

COLOMBIA

Defensoría para la Niñez, la Mujer y el Anciano (Attached Office for the Defence of Children, Women and the Elderly)
Office of the People's Defender
Calle 55 N° 10-32
Tercer Piso
Santafé de Bogotá
Colombia
Tel.: +57 69 15 077 (direct) and +57 31 47 300 ext. 2323.

Established: 1991
Constitutional base: The Office of the People's Defender includes an Attached Office for the Defence of Children, Women and the Elderly appointed by the People's Defender. Its most important function is the promotion and defence of children's rights, according to Article 44 of the Political Constitution.
Mandate and activities: For years, UNICEF has been developing an Inter-Institutional Covenant with the Office of the People's Defender to design and implement follow-up strategies for the fulfilment of children's rights. As a result, six issues of the Bulletin *Children and their Rights* (*La Niñez y sus Derechos*) have been published. The Office has also collaborated with UNICEF in setting up a monitoring system on follow-up to the CRC.

COSTA RICA

Defensor de los Habitantes de la Republica
Instituto Costarricense de Electricidad-ICE
San Jose
Costa Rica
Tel.: +506 296 2515.
Fax: +506 296 2512
Email: defensor@sol.rasca.co.cr

Established: An Ombudsman for children was established in 1987. However, in 1993, the various specialized ombudsmen were incorporated into a new national and independent Ombudsman Office in which there is a children's unit.
Constitutional base: The function of Ombudsman is performed by the Office for the Defence of the Inhabitants of the Republic (Defensoría de los Habitantes de la República), an organ attached to the Legislative Assembly. The definition of "inhabitant" used in the Office's statutory law empowers it to include the defence of children and adolescents' rights among its responsibilities. The Office has a specific section for the rights of children and adolescents with its own director. Responsibility for action, however, rests with the Defender, who is an elected official. Those interested in this position must register on a national list, from which three candidates are shortlisted.
Mandate and activities: The duties of the Office include the investigation of complaints, the protection of children's rights through recommendations to influence the actions of public bodies and mediation and intercession with the relevant authorities to promote children's rights. Much of the work is directed to raising awareness and understanding about children's rights. It runs workshops and seminars for professionals working with children, produces educational materials and distributes information to children themselves. It has developed a document on the constitution and the rights of children in collaboration with children, teachers and lawyers using children's own artwork, poems and songs.

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DENMARK

National Council for Children
Børnerådet

Holmens Kanal 22
1060 Copenhagen
Denmark
Tel.: +45 33 92 4500
Fax: +45 33 92 4699
Email: brd@sm.dk
Web site: www.boerneraadet.dk

Established: 1994
Staffing levels: Eight council members – three appointed by the Minister of Social Affairs and five by NGOs.
Constitutional base: The National Council for Children was set up for a three-year trial period in 1994 in the Ministry for Social Affairs. After evaluation in 1996 it became a permanent body established by a Ministerial Order. Its new mandate extends its functions to assessing the conditions under which Danish children live in terms of the provisions of the CRC.
Mandate and activities: The Council's work involves influencing policy to promote the rights of children, data collection on children, monitoring implementation of the CRC and promoting awareness of children's rights. As well as providing a telephone hotline for children, it organizes community meetings with them. It has promoted a public debate on problems in the way communities support young children living in families with poor parenting skills. It has campaigned against bullying in schools, contributed to the successful reform to end physical punishment of children, provided information on non-violent parenting, and promoted debate about the situation of children of divorced parents.

FRANCE

Ombudsman for Children
Défenseur des enfants

35 Rue St Dominique
75007 Paris
France
Tel.: +33 01 42 755294
Fax: +33 01 42 5296

Established: 2000
Staffing levels: Initally eight staff but this number was expected to rise to 20 within the office's first year.
Constitutional base: The Ombudsman for Children was established by Law No. 2000-196 of 6 March 2000. It is independent of government and is charged with responsibility to promote children's rights under both national and international law. The appointment of the Ombudsman is for six years and is not renewable.
Mandate and activities: The Ombudsman can receive complaints from children, undertake investigations and recommend action to achieve greater respect of children's rights. It also has a mandate to promote awareness and understanding of children's rights and to report annually to Parliament on activities.

GUATEMALA

Defensoria de los Derechos de la Ninez de la Procuratoria de los Derechos Humanos

13 Calle, 11-42 Zona 1
Ciudad de Guatemala
Guatemala
Tel.: +502 238 0344 / 232 1683
Fax: +502 238 0344

Established: 1990
Staffing levels: Eight staff
Constitutional base: The Defensoria is a special department created within the Office of the Procurator for Human Rights under a special Act of Parliament. The Office is a state body that reports annually to Congress but is not under the control of Congress or the government.
Mandate and activities: The Defensoria was established as a result of a new national focus on human rights, especially those of children, towards the end of the 1980s. Its objective is to promote and protect children's rights as defined in the Guatemala Constitution and the CRC. The Defensoria takes up individual cases, investigates reported rights violations and monitors public institutions providing services for children and seeks to promote compliance between national legislation and the CRC. It offers informal education programmes for parents and the general public and is creating Municipal Boards for the Protection of Children's Rights, consisting of local people who receive and address allegations of rights violations. These are now established in 10 per cent of the country's municipalities.

HUNGARY

Office of the Parliamentary Commissioner for Human Rights
Orszaggyulési Biztosok Hivatala
Tukory u.3
Budapest
H-1054
Hungary
Tel.: +36 1 269 3500
Fax: +36 1 269 3529
Email: Polt@obh.hu
Web site: www.obh.hu

Established: 1995
Staffing levels: 64 professional staff, 38 maintenance staff.
Constitutional base: Although there is no specific Children's Commissioner within the office of the Parliamentary Commissioner for Human Rights, the Deputy Commissioner covers children's issues with a small specialist staff. The Commissioner and Deputy are elected by the National Assembly and the Office is independent of government.
Mandate and activities: The remit of the Office includes monitoring the impact of legislation on children and monitoring implementation of the CRC. It carries out direct consultation with children, runs a telephone hotline and holds community meetings with children. Its main activities in 2000 included measures to protect children from all forms of violence and sexual exploitation, to address the needs of children in residential institutional care and of children with disabilities, and to examine the issue of school closure.

ICELAND

The Ombudsman for Icelandic Children
Umbodsmanur Barna
Laugavegi 13
101 Reykjavík
Iceland
Tel.: +354 552 8999
Fax: +354 552 8966
Email: ub@barn.is
Web site: www.barn.is

Established: 1995
Staffing levels: Three staff
Constitutional base: The Ombudsman was created through the 1994 Act on Children's Ombudsmen (Law No. 83). The Ombudsman is appointed by the President and reports anually to the Prime Minister, but operates independently of government.
Mandate and activities: The mandate to promote implementation of children's rights is carried out by influencing policy development at all levels, data collection on children, monitoring the impact of legislation on children, individual casework and awareness raising on children's rights. Recent activities have included the publication of a book of facts and figures about the Icelandic child population, pressing for school meals for children and for legal reform to ensure better rights for those who are victims of sexual offences and organizing a conference on bullying in schools.

IRELAND

Children's Ombudsman
(to be established in 2001)

Constitutional base: The Children's Ombudsman will be established by an Act of Parliament with the remit to investigate complaints by children or those acting on their behalf. It will be required to establish structures through which to listen to and consult children directly. Its overall brief will be to promote the rights and welfare of children.

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ITALY

Public Tutor for Children and Adolescents Tutore Pubblico dei Minori per la Regione Friuli Venezia Giulia

Via G. Carducci 6
Trieste
Italy
Tel.: +39 040 377 2265
+39 040 377 2119

Established: Italy's first Regional Ombudsman, or Public Tutor, for Children and Adolescents, was appointed in early 2001 in the Autonomous Region of Friuli Venezia Giulia.
Constitutional base: The foundation for the creation of an Ombudsman was laid by law 49/93, Rules to Sustain Families and Protect Children. A modification to this law, number 16/96, allows the establishment of the Office of the Ombudsman for Children of Friuli Venezia Giulia. The 'Public Tutor' for Children is selected through election by the members of the Regional Executive Board and the appointment is confirmed by the President of the Board. The appointment lasts for five years and can be renewed once, but is linked to the lifespan of the Regional Board that made the appointment.
Mandate and activities: The Public Tutor is to select and train people who are in a position to protect children and to promote, in cooperation with local authorities and NGOs, initiatives on the rights of children and adolescents. It is mandated to promote initiatives to create an environment favourable to the rights of children and adolescents in cooperation with local authorities, the general public and the mass media. It will express opinions on proposed legislation and on other administrative provisions from the region concerning children and adolescents and alert the social services and juvenile justice system to any situation that requires their intervention. It will also notify the relevant administrative authorities about the risks to children and adolescents as a result of inadequate environmental conditions in terms of health, hygiene, housing and urban planning.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Macedonian Ombudsperson for Children

Dimitrie Cupovski 2
91000 Skopje
Macedonia
Tel.: +389 91 129 327
Fax: +389 91 129 359

Established: 1999
Staffing levels: One assistant and one secretary.
Constitutional base: The Macedonian Constitution and Law on the Public Attorney establishes this office as impartial and independent with competence and authorization to take measures and action against public authorities when the rights of citizens are violated. The Department for Child Protection is also empowered to act under the Law on the Public Attorney and can conduct the same activities and undertake the same measures when citizens submit complaints about children's rights violations.
Mandate and activities: The office is empowered to present the situation of rights for adults and children to Parliament in an annual report. The current Law on the Public Attorney precludes children from filing complaints to the office. The Ombudsperson for Children has prepared an amendment to this law to enable children to file complaints directly. Recent initiatives include a comprehensive review of legislation to comply with the CRC, presented to the government in autumn 2000, a schools project on child rights and the development of recommendations to revise the Law on Child Protection to better protect street children

NEW ZEALAND

Office of the Commission for Children

39 Pipitea St.
PO Box 12537 Thorndon
Wellington
New Zealand
Tel.: +64 4 711410
Fax: +64 4 711418
Email: rmcclay@occ.org.nz

Established: 1989
Constitutional base: The Commissioner was initially established by the 1989 Children, Young Persons and their Families Act to monitor and review policy and practice under that Act, promote the welfare of children and young people and ensure that their rights were recognized. However, the Social Services Select Committee has considered a new Parliamentary Commissioner for Children Bill, proposing that the Commissioner become an Officer of the Parliament. A review of the Office of the Commissioner for Children took place in 2000 and will report to the Cabinet Social Policy and Health Committee on the merits of extending functions and powers to allow greater impact of the CRC in New Zealand.
Mandate and activities: The Commissioner can inquire into any matter affecting children and young people in any service or organization and has special responsibilities to investigate matters of child abuse and neglect, youth offending and the actions of the Department of Child, Youth and Family Service. However, the Commissioner cannot comment on court decisions or matters before the court. The Commissioner uses the CRC as a guiding document and promotes awareness of its provisions. As well as undertaking research and producing publications and reports, the Office publishes a quarterly newsletter, *Children*, through which it promotes discussion of children's issues. The Office has established a complaints service where members of the public can bring issues of concern.

La Procuraduría Especial de la Niñez y la Adolescencia
Avenida Monumental de la Estación de Bomberos 1 cuadra abajo,
Apartado 369,
Managua,
Nicaragua
Tel.: +505 266 3257 / 266 3258 / 268 0145
Fax: +505 268 2789
Email: pddh@ibw.com.ni.

Established: 1999
Staffing levels: The Sub-Commission for the Human Rights of Children and Adolescents follows up on cases submitted to the legal office of the Human Rights Commission, staffed by two lawyers, one communication officer and two secretaries.
Constitutional base: The Human Rights Commission was created by Law 212 in January 1996. The Sub-Commission for the Human Rights of Children and Adolescents focuses on the implementation of the CRC and the Code for Children and Adolescents. The Commissioner and Sub-Commissioners are nominated by the National Assembly.
Mandate and activities: The Sub-Commission's jurisdiction is limited to violations committed by the public administration. It is currently focusing on the promotion of child registry offices, the elimination of child labour and the reduction of sexual abuse and domestic violence. The Sub-Commissioner has worked to strengthen its structure as part of the National Commission for Human Rights, and serves as an active partner in the National Council for the Attention and Integral Protection of Children and Adolescents, created in June 2000. Its work has also included monitoring new legislation, such as the proposed new Criminal Code and the laws on School Transportation and Alimony. The Sub-Commission has played an important role in facilitating coordination between the Ministries of Family, Education and Health and has promoted the development of the Office responsible for monitoring adolescents deprived of their freedom.

Northern Ireland Human Rights Commission
Temple Court
39 North St
Belfast
BT1 1NA
United Kingdom
Tel.: +44 28 9024 3987
Fax: +44 28 9024 7844
Email: nihrc@belfast.org.uk
Web site: http://www.nihrc.org

Established: 1999
Staffing levels: 12 staff
Constitutional base: The Commission was established by the Good Friday (Peace) Agreement and the Northern Ireland Act of 1998, Section 69. Although not explicit in the legislation, it has interpreted its role as monitoring implementation of all human rights standards to which the UK Government is a signatory, including the CRC. The Commission is accountable through the Secretary of State to Parliament at Westminster and is subject to oversight by the UK Parliamentary Commission for Administration.
Mandate and activities: The Commission has powers to take up individual complaints as well as a broader policy remit. It is currently investigating the operation of Juvenile Justice Centres in Northern Ireland. It has established a Children and Young People's working group as part of the consultation process on a Bill of Rights for Northern Ireland and has produced a pamphlet for children and young people to facilitate that process. The Commission is also working with the Office of Law Reform in the preparation of a document on physical abuse of children.

Children's Ombudsman Barneombudet
Hammenborg Torg 3
PO Box 8036 DEP
N 0030 Oslo
Norway
Tel.: +47 22 242630
Fax: +47 22 249524
Email: trond.waage@bo.dep.no

Established: 1981. The world's first Ombudsman for Children established by legislation.
Staffing levels: Nine staff
Constitutional base: The Ombudsman for Children was established by legislation passed by the Norwegian Parliament in 1981 under the formal administration of the Ministry of Social Affairs. In 1998, the legislation was amended to link the post to the CRC.
Mandate and activities: The Ombudsman has a broad mandate to promote the rights and interests of children in relation to private and public authorities and to improve the conditions in which they live. The office can take on any casework, with the exception of matters concerning conflicts between family members – these are expressly precluded by the legislation. It also aims to influence public opinion and promote children's participation using the media and the internet. Recent initiatives have included proposals for major school reforms at primary and secondary levels to increase children's participation, and work with minority and refugee children.

PHILIPPINES

The Commission on Human Rights of the Philippines KOMNAS

State Accounting Building
Commonwealth Avenue
UP Complex, Diliman, 1104
Quezon City
Philippines
Tel.: +63 2 928 57 92
Fax: +63 2 929 01 02

Established: 1987
Constitutional base: The Philippines Constitution of 1987, Article XIII, Section 17 created the Commission on Human Rights as an independent office to protect and promote human rights.
Mandate and activities: The mandate of the Commission includes investigation of all cases of human rights violations and the delivery of legal services to all victims. It also serves to educate the population on human rights values, principles and laws and conducts advocacy courses for police and military officers, and teacher training seminars for public school teachers nationwide. A Children's Rights Centre within the Commission has been in operation since 1994 to strengthen the focus on children's rights and on promotion and monitoring of the country's compliance with the CRC. The work of the Centre has included a survey of facilities and services for children in conflict with the law, the development of an animated cartoon on children's rights, and a forum on human rights with a focus on children's rights for young legislators.

PORTUGAL

Portuguese Ombudsman for Justice Provedoria de Justiça

Rua do Pau de Bandeira 9
1200 Lisboa
Portugal
Tel.: +351 392 66 00
Fax: +351 396 12 43
Email: provedor@mail.telepac.pt

Established: The Ombudsman was established in 1975. The Children's Messages and Claims Hotline was set up in 1992.
Staffing levels: 106 staff
Constitutional base: The Ombudsman was established under Decree Law No. 213/75 in 1975, is elected by Parliament for a period of four years and can be re-elected once. It has a Children and Juveniles section that provides a Children's Messages and Claims Hotline to answer specific claims presented by children or by adults acting on their behalf.
Mandate and activities: Messages from the Hotline are communicated to the Ministries of Justice and Labour and Solidarity, often by children themselves. Work priorities have included the problems faced by homeless children, the lack of parental time available for children, access to appropriate information, disabled children, children in institutions, and protection from all forms of violence.

ROMANIA

Advocate of the People Institutia Avocatul Poporului

3-5 Boulevard Iancu de Hunedoara
1st District 71204
Bucharest
Romania
Tel.: +401 231 5001
Fax: +401 230 5000

Established: 1997
Staffing levels: A total of 72, of whom 40 have a legal background. The Department for Problems Regarding the Child, Woman and Family Protection has one Head of Department and eight staff.
Constitutional base: The Advocate of the People is an independent institution established under the 1991 Constitution. Its organization and function are regulated by Law No. 35/1997 adopted by Parliament in 1997. The Advocate is independent of any public authority and its recommendations cannot be subjected to either Parliamentary control or appeal in court. The Advocate is appointed for a four-year period and can be re-appointed only once. The office has a duty to report annually to Parliament on its activities, together with recommendations for any changes necessary to protect rights and freedoms. Individuals, including children, can file complaints with the Advocate. The Department was established as part of the Advocate's office in 1998.
Mandate and activities: The Department examines complaints received from the Advocate relating to violations of the rights of children, women and the family by public authorities. The Department published its first special report, *The Protection of the Child's Rights* in April 2000 with the support of UNICEF.

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RUSSIAN FEDERATION

In Autumn 1997, a joint UNICEF/ Russian Federation pilot project was launched to establish Commissioners for Children's Rights. Five city regions were identified that year for the appointment of ombudsmen or commissioners for children's rights.

City of Ekaterinberg

Commissioner for Children's Rights Office
24/a, Office 441, Lenin Av.,
Ekaterinenburg, 620038,
Russian Federation
Tel.: +7 3432 51 96 03
Fax: +7 3432 51 96 03
Email: stronina@sov.mplik.ru

Established: 1998
Staffing levels: One
Constitutional base: The legislation establishing the office was the resolution of the City Duma, N34/3 of 10 February, 1998. The Ombudsman is based in the legal department of the city administration.
Mandate and activities: The office seeks to maintain a close and direct link with children through, for example, individual consultation, a telephone hotline, community meetings, meetings in schools and the internet. It plays a role in influencing policies affecting children through data collection, monitoring the impact of laws/policies on children, commenting on draft bills and by monitoring the implementation of the CRC. It undertakes individual casework and takes part in court cases relating to children. The office promotes awareness of children's rights and provides training for professionals and other groups. The majority of problems dealt with relate to abuse in the family and in schools.

Kaluga Oblast

Ombudsman for the Children of Kaluga
Staryi Torg Square, 2
Kaluga 248600
Russian Federation
Tel.: +70 842 56 27 57
Fax: +70 842 56 35 11

Established: 1998
Constitutional base: The Ombudsman was instituted by a special Interim Act adopted by the Governor of the region and is based in the office, and under the supervision, of the regional Governor. The Ombudsman provides an annual report to the Governor on the state of children's rights in the region.
Mandate and activities: The key areas covered are the conditions of children aged 14-18 in prison, the rights of children affected by the Chernobyl disaster and the lack of suitable accommodation for orphans. The Ombudsman has also pressed for free milk products for children aged 0 to 2 years and better controls on the quality of food in orphanages and schools. It deals with individual cases and meetings are held with children on a weekly basis. In 1999, the Ombudsman gave direct assistance in 700 cases and received 200 letters.

Novgorod Oblast

Children's Ombudsman for Novgorod
Novgorod 173000
Nikolskaya 4
Russian Federation
Tel.: +7 8162 2 347 95
Fax: +7 8162 2 347 95
Email: hope@novgorod.net

Established: 1998
Constitutional base: The Ombudsman began as a voluntary function. An Interim Act has now established the basis for the Ombudsman's activities in the region.
Mandate and activities: The Ombudsman has undertaken a survey of 250 children in social shelters on the subject of domestic violence and a survey of 500 schoolchildren and orphans on awareness of the CRC. A key part of its work involves regular visits to orphanages to check living conditions there. The office has also established a hotline for children.

St Petersburg

Ombudsman of St Petersburg
Saint Petersburg-191011
Ul. Dumskaya Dom 1-3
Russian Federation
Tel.: +7 812 113 4944
Fax: +7 812 319 92 93

Established: 1998
Constitutional base: The Ombudsman is the head of the special department of children's rights in the Governor's office of St Petersburg.
Mandate and activities: The work consists primarily of undertaking legal work on behalf of children, including assistance in writing legal papers and letters to the court. The office aims to meet directly with children and women in order to respond to their identified needs. A number of student volunteers support the work of the office, which is developing a computerized database of child rights NGOs in order to distribute information. The annual report of the Ombudsman is disseminated through the mass media.

Volgograd Oblast

Office of the Commissioner for Children's Rights of the Volgograd Regional Administration
Lenin Ave. 9, room 11,
Volgograd, 400098
Russian Federation
Tel.: +7 8442 33 5923
Fax: +7 8442 93 6212
Email: obladm@sprint-v.com.ru

Established: 1998
Staffing levels: One
Constitutional base: The Commissioner for Children's Rights was created by a by-law from Volgograd Regional Administration where the post is now based. The Commissioner is an assistant to the Head of the Regional Administration. The formal legislation to confirm the office is being drafted and will be in place shortly. A Council for Children's Rights has also been established within the Volgograd Regional Administration, and similar councils are planned within schools and NGOs.
Mandate and activities: The mission of the Commissioner is to protect children's rights in general, as well as the rights of any individual child. It operates a telephone hotline that is advertised on billboards throughout the city and participates in a regular programme on children's rights issues on regional TV. The Commissioner has also promoted the CRC through local newspapers. Other work includes data collection on children, monitoring the implementation of the CRC and influencing policy as it impacts on children. It has published an easy-to-read booklet for children on their rights that has been distributed in children's institutions. The key problems it has identified have included the lack of housing for children leaving orphanages, and domestic violence.

SOUTH AFRICA

South Africa Human Rights Commission

Private Bag 2700, Houghton, 2041
Johannesburg
South Africa
Tel.: +27 011 484 8300
Fax: +27 011 484 7146
Email: sahrcinfo@jhb.sahrc.org.za

Established: 1995
Staffing levels: 11 commissioners including a children's rights commissioner and a total of 86 staff.
Constitutional base: The Commission was established by the Constitution and the Human Rights Act of 1994. It is independent of government, subject only to the Constitution and the law.
Mandate and activities: The Commission's functions include monitoring compliance with relevant international human rights treaties and the implementation of the National Plan for children, promoting a culture of respect for children's rights and investigation of violations of rights. Recent work involves a study tour to learn more about the international application of children's rights. In collaboration with UNICEF and Radda Barnen, the Commission has set up a programme of focal groups of children to explore the most meaningful way in which children can participate in some of the Commission's activities.

SPAIN

Madrid

Ombudsman for Children in Madrid
Defensor del Menor en la Comunidad de Madrid

C/Serrano 110
28006 Madrid
Spain
Tel.: +34 91 563 44 11
Fax: +34 91 561 81 73
Email: defensor@dmenor-mad.es
Web site: http://www.dmenor-mad.es

Established: 1996
Staffing levels: 18 staff
Constitutional base: The Ombudsman was established under Law 5/1996 Ombudsman for Children in the Community of Madrid Law and followed up by the introduction of the Organization and Functioning of the Ombudsman for Children in Madrid, Office Regulation 1997. Its remit involves the supervision of the activities of Child Protection Entities, receiving complaints, provision of information and counselling and promoting awareness of children's rights.
Mandate and activities: The Ombudsman received nearly 17,000 complaints in 1998, resulting in over 800 inquiries. It has contributed to an amendment of the Penal Code on crime against sexual freedom and has promoted children's participation in City Councils. It has also contributed to a proposal by the Spanish Parliament for the establishment of Ombudsmen for Children in every region, and has introduced anti-violence programmes in schools. It has also ensured the right of immigrant children to a health card without requiring legal residence.

Catalonia

Ombudsman of Catalonia
Sindic de Greuges de Catalunya

C/Josep Anselm Clave 31
08002 Barcelona
Spain
Tel.: +34 93 301 8075
Fax: +34 93 301 3187
Email: sindic@sindicgreugescat.org

Established: The General Ombudsman was created by legislation in 1984. In 1989 the law was modified to create the post of Deputy for Children.
Staffing levels: 33 staff
Constitutional base: The Ombudsman is elected by parliament for a period of five years and is empowered to supervise the activities of the Autonomous Region of Catalonia. The current Deputy Ombudsman for children was elected in 1997. The Ombudsman can present proposals on interpretation and implementation of the law to the Administration and also presents an annual report identifying problems and progress in fundamental rights and freedoms.
Mandate and activities: The Ombudsman undertakes individual investigations into complaints. Recent work has included the successful proposal of reforms on medical examinations of children involved in court proceedings, the introduction of written agreements between different administrations to meet the needs of children from the Maghreb, and promoting the right to education for children who are ill. It has produced 12,000 handbooks for children on the CRC and has participated in a monthly TV series focusing on groups of articles in the Convention.

SWEDEN

The Children's Ombudsman
Barnombudsmannen
Box 22 106
S-104 22 Stockholm
Sweden
Tel.: +46 8 692 2950
Fax: +46 8 654 6277
Email: b.o@bo.se
Web site: www.bo.se

Established: 1993
Staffing levels: 13 staff
Constitutional base: Created through the Act to establish the Office of the Children's Ombudsman, its remit is to observe matters relating to the rights and interests of children and young persons and to monitor compliance with the CRC. The Ombudsman does not have a brief to undertake individual cases. It presents an annual report to the government but operates independently of it.
Mandate and activities: The work focuses on three areas: the CRC, children and young people in difficult circumstances, and children and young people's right to participation. Recent work includes coordinating follow-up studies on the different social conditions of children, and coordinating data and compiling a statistical publication about children and young people. The Ombudsman is developing a project to disseminate information about children's rights. It has prepared a handbook on how local municipalities can incorporate the CRC in decision-making and activities and has submitted a report to the Committee on the Rights of the Child on living conditions of children in Sweden. The Ombudsman has been assigned a key role in a bill proposed by the Swedish Parliament to develop a national strategy for implementation of the CRC.

WALES

Children's Commissioner for Wales
PO Box 21
Swansea
SA1 3YB
UK
Tel.: +44 1792 482453
Email: peter@childcom.co.uk

Established: 2001
Staffing levels: Once operational, the office will have 20 staff based in South Wales and 5 in North Wales
Constitutional base: The Commissioner was established under the Children's Commissioner for Wales Act 2001. It provides that the Commissioners remit is to promote the rights and welfare of all children "ordinarily resident" in Wales. In addition, the Commissioner can act to protect the rights of young people who are over 18 and who have been in care of the local authority.
Mandate and activities: The Children's Commissioner will cover aspects of health, care and education for children. However, it has not yet (June 2001) had time to develop a detailed programme of activities.

Links

References

1 Flekkøy. M. (1991), A Voice for Children: Speaking Out as Their Ombudsman, Jessica Kingsley, London.

2 This message has consistently arisen from the work of developmental psychology over the past 50 years.

3 de Vylder, Stefan (2000), Macro-Economic Policies and Children's Rights, Save the Children, Sweden, Stockholm; de Vylder, Stefan (1997), Children and Macro-Economics, Rädda Barnen, Stockholm; Harper, C. and R. Marcus (1999), Child Poverty in Sub-Saharan Africa, Save the Children, London.

4 Rosenbaum, M. (1993), Children and the Environment, National Children's Bureau, London; Harper, C. and R. Marcus (1999), Child Poverty in Sub-Saharan Africa, Save the Children, London.

5 Hodgkin, R. and P. Newell (1998), Article 4, *Implementation Handbook on the Convention on the Rights of the Child*, UNICEF, New York.

6 See, for example, Children and the Media, T. Hammarberg, Committee on the Rights of the Child General Discussion Day on 'Children and the Media', 1996.

7 R Hodgkin and P Newell (1998), Article 12, *Implementation Handbook on the Convention on the Rights of the Child*, UNICEF, New York.

8 Muscroft, Sarah (1999), Children's Rights: Reality or Rhetoric, Save the Children, London; Hammarberg, T. and P. Newell (2000), 'The Right Not To Be Hit', in *Children's Rights: Turning Principles into Practice*, A. Petren (ed.), Rädda Barnen/UNICEF, Stockholm.

9 Only two countries have yet to ratify the Convention on the Rights of the Child: Somalia and the United States.

10 Klug, F. (2000), Values for a Godless Age, Penguin, London.

11 Woll, Lisa (2000), *The Convention on the Rights of the Child Impact Study*, Save the Children, Sweden, Stockholm.

12 Hodgkin, R. and P. Newell (1998), Articles 3 and 12, *Implementation Handbook on the Convention on the Rights of the Child*, UNICEF, New York; Alston, P. and B. Gilmour-Walsh (1996), *The Best Interests of the Child: Towards a Synthesis of Children's Rights and Cultural Values*, UNICEF International Child Development Centre, Florence.

13 South Africa, Norway and Sweden are amongst the few governments which have undertaken such analyses. Details can be found in UNICEF (1999) 'Child impact assessment', *Making Children Count: Implementing the Convention on the Rights of the Child*, UNICEF, New York.

14 For example, female genital mutilation continues to be perpetrated with impunity on millions of girls each year despite being a clear breach of Article 24.3. See also, *Children's Rights: Equal Rights - Diversity, Difference and the Issue of Discrimination* (2000), International Save the Children Alliance, London, for a discussion on how governments fail to tackle racism and xenophobia and the consequent impact on children's rights.

15 See for example, Levy, A. and B. Kahan (1991), *The Pindown Experience and the Protection of Children: The Report of the Staffordshire Child Care Enquiry*, Staffordshire County Council; and Kirkwood, A. (1992), *The Leicestershire Inquiry 1992*, Leicestershire County Council; also Waterhouse, Ronald (2000), *Lost In Care*, the Tribunal of Inquiry into abuse of children in care in Clywd and Gwynedd, DH/Welsh Office.

16 Ruxton, S. (1999), *A Children's Policy for the 21st Century*, Euronet, Brussels; and *Children Economics and the EU: Towards Child-Friendly Policies* (2000), International Save the Children Alliance, Europe Group, Stockholm.

17 Details of these specific examples can be found in the annual report or on the website of the European Network of Ombudsmen for Children: www.ombudsnet.org

18 UN Centre for Human Rights (1995), *National Human Rights Institutions*. A handbook on the establishment and strengthening of national institutions for the promotion and protection of human rights, Professional Training series No 4, UN Centre for Human Rights, Geneva.

19 Ibid.

20 In the UK for example, the Government has used the differences of view between existing equal rights bodies as to the preferred structure for a Human Rights Commission as one of its arguments for failing to establish such a body.

21 As is evidenced by the number of governments which have as yet failed to do so. Still today only some 30 countries have established fully independent bodies.

22 One of the most common subjects of concern raised by the Committee on the Rights of the Child in its concluding observations on States Parties Initial Reports is the lack of coordination within government with its consequent negative impact on implementation of the Convention. See Hodgkin, R and P. Newell (1998), Article 4, *Implementation Handbook on the Convention on the Rights of the Child*, UNICEF, New York.

23 See for example, Schweinhat, L.J., H.V. Barnes and D.P. Weikart (1993) *Significant Benefits: the High Scope/Perry Pre School Curriculum Study through age 27*, High Scope Press; Holterman, S. (1995), *All Our Futures: the Impact of Public Expenditure and Fiscal Policies on Britain's Children and Young People*, Barnardos, London.

24 Inquiry into the Role and Function of the Children's Ombudsman in Sweden: Summary, Swedish Government Official Report No. 1999: 65, 1999.

25 NGO reports to the Committee on the Rights of the Child commonly argue the need for ombudsmen or children's rights commissioners, for example, Russia, Latvia, Ireland, United Kingdom, Mauritius and Egypt.

BEST COPY AVAILABLE

Selected key readings

Black, M (1994) 'Monitoring the Rights of Children', Innocenti Global Seminar Report, UNICEF International Child Development Centre, Florence.

European Network for the Ombudspersons for Children (ENOC) (2000), 'Report of the Fourth Annual Meeting, October 2000', European Network for the Ombudspersons for Children, available at http://www.ombudsnet.org/documents/Main_Document.pdf

Flekkøy, M. (1991), *A Voice for Children: Speaking Out as Their Ombudsman*, Jessica Kingsley, London, 1991.

Hodgkin, R. and P. Newell (1997), *Effective Government Structures for Children*, Gulbenkian Foundation, London.

Hodgkin, R. and P. Newell (1998), *Implementation Handbook on the Convention on the Rights of the Child*, UNICEF, New York.

Inquiry into the Role and Function of the Children's Ombudsman in Sweden: Summary, (1999), Swedish Government Official Report No. 1999:65, Stockholm.

Ministry of Children and Family Affairs, Norway (1996), 'The Ombudsman for Children and Childhood in Norway', Norwegian Official Report, Ministry of Children and Family Affairs Oslo.

Newell, P. (1999) 'The role of National Human Rights Institutions and other organisations in the protection and promotion of the human rights of children', paper given at the Conference organized by the Office of the High Commissioner for Human Rights, Manila, September 1999.

Newell, P. (2000), *Taking Children Seriously: a Proposal for a Children's Rights Commissioner*, Gulbenkian Foundation, London.

Potter, K. (1999), A Proposal for a Commissioner for Children in Scotland, Scottish Alliance for Children's Rights, Glasgow.

Santos Pais, M. (1997), 'The Convention on the Rights of the Child', in *Manual on Human Rights Reporting*, UN Doc.HR/PUB/91/1(Rev.1), United Nations, New York.

UN Centre for Human Rights (1995), *National Human Rights Institutions*. A handbook on the establishment and strengthening of national institutions for the promotion and protection of human rights, Professional Training series No 4, UN Centre for Human Rights, Geneva.

Verhellen, J. (ed.) (1996), *Monitoring Children's Rights*, Martinus Nijhoff, Netherlands.

The Innocenti Digests

The UNICEF Innocenti Research Centre in Florence, Italy, was established in 1988 to strengthen the research capability of the United Nations Children's Fund (UNICEF) and to support its advocacy for children worldwide. The Centre (formally known as the International Child Development Centre) helps to identify and research current and future areas of UNICEF's work. Its prime objectives are to improve international understanding of issues relating to children's rights and to help facilitate the full implementaion of the United Nations Convention on the Rights of the Child in both industrialized and developing countries. The Innocenti Digests are produced by the Centre to provide reliable and accessible information on specific child rights issues.

This issue of the Innocenti Digest was prepared by Gerison Lansdown, Director of the Children's Rights Office established in the UK to promote implementation of the UN Convention on the Rights of the Child and the case for a statutory Children's Rights Commissioner. Special thanks are due to Peter Newell of EPOCH (End Physical Punishment Of Children) and Ankie Vandekerkhove, Children's Rights Commissioner, Flemish Parliament. Valuable assistance with data was provided by Michael Hoffmann, Consultant, Innocenti Research Centre.

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INDEPENDENT INSTITUTIONS PROTECTING CHILDREN'S RIGHTS

This Digest focuses on independent human rights institutions for children and the urgent need to create such institutions in every country in the world to protect, promote, and monitor children's rights. Children are among the most vulnerable group in any society, with no vote, no access to the powerful lobbies that influence government agendas, and little access to the legal system and courts to protect their rights. Their needs in terms of education, health, child care, and housing are critical, and the costs of failing children are high for any society. This Digest evaluates the effectiveness and impact of existing institutions, examines the essential characteristics required if such institutions are to fulfil their functions, and challenges the objections frequently presented. Information on existing independent, statutory bodies — their constitutional base, mandate and activities — is also included.

UNICEF Innocenti Research Centre
Piazza SS Annunziata, 12
50122 Florence, Italy

Tel.: +39 055 203 30
Fax: +39 055 244 817
Email (general information): florence@unicef.org
Email (publication orders): florence.orders@unicef.org

Web site: www.unicef-icdc.org

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